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1-10-13

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RE: LATE PAYMENT FOR FINAL PATENT FEE; #6,153,250

JAN 16 PM 3:00

U.S.P.T.O. COMMISSION:

I am petitioning to be able to make my final patent fee late. Due to a major snafu I missed the deadline for the last fee payment. I learned of the problem when I went to the USPTO website on 1-9-13 to see about paying my final fee. I then saw the "EXPIRED" notice. I am contending that I am not giving up on my concept. I admit to missing the payment deadline but definitely not intentionally. One issue was that I kept getting "no fee payments due at this time" messages when I would check the website periodically since last summer. I have checked at least 3 times, the last being the first week in November of 2012. I was puzzled by this but, due to holiday activities, decided to wait until they were over with to find out what was going on. I also had it in my mind that there was a grace period, so I would be safe. I did not realize I was already in the grace period, though. Another issue is that my attorney had put his name and address down as the contact person. I am now thinking that was a mistake but it's a moot issue now, considering this is the last payment due and I have not talked to him in years. I was told the years I had to pay but never received any official notices or reminders. I had it in my mind that the fee was coming due, so I just kept checking your website periodically, since last summer, to stay in touch. These were the times I would get the "no fee payment due" notices. I don't know why this happened. Maybe I don't know how to navigate the website. Maybe I kept going to the wrong page. If so, I don't know how that could have happened because I thought I was following the instructions on the website correctly.

In sum, I appear to have made a mistake, though I'm not quite sure what I did wrong. I have been on top of fee payments since my patent was first issued. I have been perfecting the process I came up with, over the years, and have improved it significantly within the past year. I have also contracted with an online marketing company in Olympia, Wa. to try to get my method out to the public. This patent has been a serious part of my life for the past 15 or so years. It is now commercially viable, in my opinion, and has the potential to make a common everyday food product healthier for the public. There is no way on this earth that I would be sloppy or intentionally let this thing slide. I implore you to allow me to pay the final fee and try to make something of all the work I have put into this process. It would be devastating to me to lose it on a technicality at this stage of the process. Money has never been an issue, as far as paying the fees. I can pay the full amount immediately. In fact I would have earlier in the year if I could have gotten accurate information as to money being due. Please allow me to keep this thing alive. I would have no problem paying a penalty. Thank you for your consideration. I am enclosing a check for the amounts owed, should you approve my petition. I hope the amount is correct. What I read on the website was as follows: \$2,055.00 owed as patent fee and \$1,640.00 owed for the penalty of not paying on time. If there is an error as to the amounts, please inform me and I will promptly correct the amount. These amounts came from a page on your website that listed various fee schedules.

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